

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael D. Kluetz et al. Art Unit : 1609
Serial No. : 10/775,933 Examiner : Mei Ping Chui
Filed : February 10, 2004
Title : PARTICULATE PLANT STEROL COMPOSITIONS

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF MICHAEL D. KLUETZ UNDER 37 C.F.R. §1.132

I, Michael D. Kluetz, hereby declare:

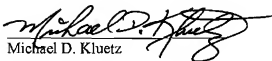
1. That I am an inventor of the claims in the above-captioned patent application.
2. That the attached printout is the results of a sample tested using a Horiba LA-910

Analyzer.

3. That the sample is material as claimed in U.S. Application Serial Number 10/775,933, and prepared according to processes described in Application 10/775,933, and is reported as sample CG-522 in Table I.
4. That the date on the printout, which has been blocked out, is prior to February 10, 2004.

5. That I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Dated: 22 October 2007


Michael D. Kluetz

HORIBA LA-910

for Windows(TM) Ver. 1.31

Laser scattering particle size distribution analyzer

PARTICLE SIZE MEASUREMENT DATA

ID# : 20030810-031 10:55 Source :
 Filename : CG522L2 Lot Number :
 Sample : cg522L Test Number : 1
 Material : sterol Instrument :

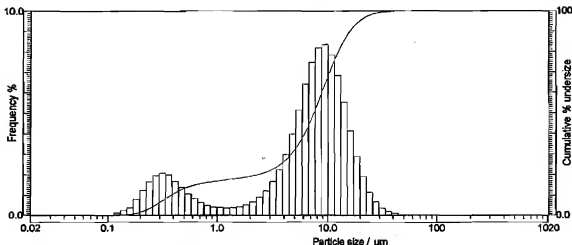
Condition :
 T%(He-Ne) : 90.1% Dist. Form : Std. Sampling times : 10
 (LAMP) : 76.2% R.R. Index : 1.12-0.00 Ultrasonic : ON(60)
 Agitation : 3 Circulation : 3

Format :
 Dist. base : Volume Scaling : Auto Axis : LogX - LinearY

Data

Median : 7.436µm SP. Area : 39644cm²/cm² S.D. : 6.179µm
 Mode : 9.409µm Mean : 8.089µm
 C.V. : 76.39% Span : (D 10.0-D 90.0) / D50 = 2.086

Dia. on % (10.0%) : % on Dia. (2.000µm) : 19.2%
 Dia. on % (20.0%) : % on Dia. (35.000µm) : 99.7%
 Dia. on % (30.0%) : % on Dia. (10.000µm) :
 Dia. on % (80.0%) : % on Dia. (100.000µm) :
 Dia. on % (90.0%) : % on Dia. (200.000µm) :



Size(µm)	Freq(%)	Und(%)	Size(µm)	Freq(%)	Und(%)	Size(µm)	Freq(%)	Und(%)
1019.5	0.00	100.00	28.11	1.15	98.66	0.669	0.84	15.42
890.1	0.00	100.00	22.80	1.89	97.51	0.584	1.07	14.58
777.1	0.00	100.00	19.90	2.89	95.62	0.510	1.36	13.51
678.5	0.00	100.00	17.38	4.14	92.73	0.445	1.87	12.15
592.4	0.00	100.00	15.17	5.52	88.60	0.389	1.98	10.48
517.2	0.00	100.00	13.25	6.83	83.08	0.339	2.07	8.49
451.6	0.00	100.00	11.56	7.84	76.25	0.296	1.95	6.42
394.2	0.00	100.00	10.10	8.34	68.41	0.259	1.66	4.47
344.2	0.00	100.00	8.816	8.18	60.07	0.226	1.24	2.82
300.5	0.00	100.00	7.697	7.48	51.90	0.197	0.80	1.58
262.4	0.00	100.00	6.720	6.41	44.42	0.172	0.40	0.78
229.1	0.00	100.00	5.867	5.14	38.00	0.150	0.25	0.37
200.0	0.00	100.00	5.122	3.99	32.86	0.131	0.12	0.12
174.6	0.00	100.00	4.472	2.99	28.87	0.115	0.00	0.00
152.5	0.00	100.00	3.905	2.24	25.88	0.100	0.00	0.00
133.1	0.00	100.00	3.409	1.66	23.64	0.087	0.00	0.00
116.2	0.00	100.00	2.976	1.21	21.97	0.076	0.00	0.00
101.5	0.00	100.00	2.599	0.90	20.77	0.067	0.00	0.00
88.58	0.00	100.00	2.269	0.68	19.86	0.058	0.00	0.00
77.34	0.00	100.00	1.981	0.53	19.19	0.051	0.00	0.00
67.52	0.00	100.00	1.729	0.44	18.66	0.044	0.00	0.00
58.95	0.00	100.00	1.510	0.40	18.21	0.039	0.00	0.00
51.47	0.00	100.00	1.318	0.39	17.82	0.034	0.00	0.00
44.94	0.11	100.00	1.151	0.41	17.01	0.029	0.00	0.00
39.23	0.20	99.89	1.005	0.43	17.01	0.026	0.00	0.00
34.25	0.36	99.69	0.877	0.51	16.58	0.022	0.00	0.00
29.91	0.87	99.33	0.766	0.65	16.07			

HORIBA LA-910

for Windows(TM) Ver. 1.31

Laser scattering particle size distribution analyzer

PARTICLE SIZE MEASUREMENT DATA
ID# : 20030810-031 10:55
Filename : C:\522L2
Sample : cq522L
Material : sterol
Source :
Lot Number :
Test Number : 1
Instrument ID :
Preparation :
Disp. Medium :
Disp. Steps :
Verification :

Condition :
T%(He-Ne) : 90.1% Dist.Form : Std. Sampling times : 10
(LAMP) : 78.2% R.R.index : 1.12-0.001
Agitation : 3 Circulation : 3 Ultrasonic : ON(60)

Format :
Dist.base : Volume Scaling : Auto Axis : LogX - LinearY

Size(μm)	Freq(%)	Und(%)	Size(μm)	Freq(%)	Und(%)	Size(μm)	Freq(%)	Und(%)
1019.5	0.00	100.00	26.11	1.15	98.66	0.669	0.84	15.42
890.1	0.00	100.00	22.80	1.89	97.51	0.584	1.07	14.58
777.1	0.00	100.00	19.90	2.89	95.62	0.510	1.36	13.51
678.5	0.00	100.00	17.38	4.14	92.73	0.445	1.87	12.15
592.4	0.00	100.00	15.17	5.52	88.60	0.389	1.98	10.48
517.2	0.00	100.00	13.25	6.83	83.08	0.338	2.07	8.46
451.6	0.00	100.00	11.56	7.84	76.25	0.298	1.95	6.42
394.2	0.00	100.00	10.10	8.34	68.41	0.259	1.66	4.47
344.2	0.00	100.00	8.816	8.18	60.07	0.226	1.24	2.82
300.5	0.00	100.00	7.697	7.48	51.90	0.197	0.80	1.58
262.4	0.00	100.00	6.720	6.41	44.42	0.172	0.40	0.78
229.1	0.00	100.00	5.867	5.14	38.00	0.150	0.25	0.37
200.0	0.00	100.00	5.122	3.99	32.86	0.131	0.12	0.12
174.6	0.00	100.00	4.472	2.99	28.87	0.116	0.00	0.00
152.6	0.00	100.00	3.905	2.24	25.88	0.100	0.00	0.00
133.1	0.00	100.00	3.409	1.66	23.64	0.087	0.00	0.00
116.2	0.00	100.00	2.976	1.21	21.97	0.076	0.00	0.00
101.5	0.00	100.00	2.589	0.90	20.77	0.067	0.00	0.00
88.58	0.00	100.00	2.289	0.68	19.86	0.058	0.00	0.00
77.34	0.00	100.00	1.981	0.53	19.19	0.051	0.00	0.00
67.52	0.00	100.00	1.729	0.44	18.66	0.044	0.00	0.00
58.95	0.00	100.00	1.510	0.40	18.21	0.039	0.00	0.00
51.47	0.00	100.00	1.318	0.39	17.82	0.034	0.00	0.00
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39.23	0.20	99.89	1.005	0.43	17.01	0.026	0.00	0.00
34.25	0.36	99.69	0.877	0.51	16.58	0.022	0.00	0.00
29.91	0.67	99.33	0.766	0.65	16.07			